

REMARKS/ARGUMENTS

In response to the final Office Action dated February 5, 2008, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 24-28, 31, 35-38, 41 and 43 are originally presented.

Claims 29, 32, 39-40, 42 are previously presented.

Claims 23, 30, 33-34 and 42 are currently amended.

Claims 1-22 are canceled.

Claims 24-28, 31-38 and 41-43 are rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent Application Publication 2002/0087373 to Dickstein et. al (hereinafter "Dickstein"), in view of U.S. Patent Application Publication 2001/0054022 to Louie et. al (hereinafter "Louie"), and further in view of U.S. Patent Number 6,246,994 to Wolven et al. (hereinafter Wolven).

Claims 29-30 and 39-40 are rejected under 35 U.S.C. §103(a) as being anticipated by Dickstein in view of Louie, in view of Wolven, and further in view of Official Notice.

Claims 23-43 remain in this application.

In view of the following remarks, Applicant respectfully requests reconsideration of the rejected claims and allowance of the subject application.

1 **Interview with Examiner**

2 Applicant wishes to thank the Examiner for the interview at the Examiner's
3 offices on March 4, 2008. In particular, Applicant wishes to thank the Examiner
4 for his helpful assistance regarding both the claim amendments listed above and
5 the arguments listed below.

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7 **35 U.S.C. §103**

8 **Claims 24-28, 31-38 and 41-43**

9 Claims 24-28, 31-38 and 41-43 are rejected under 35 U.S.C. §103(a) as
10 being anticipated by Dickstein, in view of Louie, and further in view of Wolven.

11 Applicant respectfully traverses the rejection.

12
13 **Amended independent claim 23** recites:

14 A method for providing restricted security distribution
15 instructions to a transfer agent in a distribution of securities from a
16 Venture Capitalist to one or more participants comprising:
17 receiving distribution information from a Venture Capitalist
18 ("VC") in electronic form, the distribution information including
19 data indicating for each participant in the distribution a name, an
20 identification number, and a number of allocated securities;
21 importing the distribution information into a database system;
22 matching participants identified in the distribution
23 information to participant information previously entered in the
24 database system;
25 associating each respective participant in the distribution
information with a contact from which instructions regarding a
disposition of the allocated securities to each respective participant
can be obtained;
 indicating one or more contacts to be contacted to obtain
distribution instructions for associated participants;
 sorting the one or more contacts in an order of urgency;
 contacting the one or more contacts in the order of urgency to
obtain the distribution instructions, such that contacts associated

1 with more exigent items are contacted before contacts associated
2 with less exigent items;
3 storing the distribution instructions received from the one or
4 more contacts in the database system;
5 generating a report including received distribution
6 instructions for the participants in the distribution; and
7 providing the report to a transfer agent.

8 Dickstein fails to disclose, show, teach or suggest the method of claim 23.
9 Instead, Dickstein describes a database administration system configured to
10 manage a company's capitalization structure. (*Dickstein*, paragraph 28). Agents,
11 such as stakeholders, can directly access information managed by the database
12 administration system via the Internet; and customized screens allow stakeholders
13 to track payments made for stock. (*Dickstein*, paragraphs 31, 32). Thus, under
14 Dickstein, agents and stakeholders initiate contact with the database administration
15 system on their own. Consequently the agents and stakeholders are not contacted
16 by the database administrations system, as in the current claim.

17 Thus Dickstein fail to disclose or show "sorting the one or more contacts in
18 an order of urgency" and "contacting the one or more contacts in the order of
19 urgency to obtain the distribution instructions, such that contacts associated with
20 more exigent items are contacted before contacts associated with less exigent
21 items" as recited in claim 23.

22 This deficiency has been noted by the Office, which concedes that
23 Dickstein fails to disclose indicating contacts who must be contacted to obtain
24 distribution instructions for associated participants. (*Office action*, page 4).

25 For the purpose of compensating for such deficiency, the Office cites
Louie. However, it is respectfully submitted that Louie adds nothing to the
missing teachings of Dickstein. Instead, Louie describes a syndicated loan

1 management and administration system for tracking information related to a
2 syndicated loan. (*Louie*, paragraph 3). Tracking is accomplished by allowing
3 users of the system themselves (such as individuals associated with loans which
4 have been combined into a syndicated loan) to access the system and add, update,
5 or delete information in the system. (*Louie*, Paragraph 16).

6 Thus, under *Louie*, users come to the system themselves and routinely
7 interact with it. This is not the same as “sorting the one or more contacts in an
8 order of urgency” and “contacting the one or more contacts in the order of urgency
9 to obtain the distribution instructions, such that contacts associated with more
10 exigent items are contacted before contacts associated with less exigent items” as
11 recited in claim 23.

12 In fact, such elements are inconsistent with the teachings of *Louie*, since the
13 users don’t need to be contacted. Rather, under *Louie* the users themselves initiate
14 contact with the system.

15 This deficiency has also been noted by the Office, which concedes that the
16 combination of *Dickstein* and *Louie* fails “to disclose contacting the one or more
17 contacts to obtain distribution instructions”. (*Office action*, page 5).

18 For the purpose of compensating for this deficiency, the Office cites
19 *Wolven*. However, it is respectfully submitted that *Wolven* adds nothing to the
20 missing teachings of *Dickstein* and *Louie*. Instead, *Wolven* describes systems and
21 methods for gathering and organizing information related to characteristics of
22 individuals and saving the information in centralized storage. (*Office action*,
23 Abstract). Under *Wolven*, individuals provide various specific characteristics
24 about themselves -- such clothing and footwear dimensions, and tastes in clothing
25

1 -- to a database unit. In a medical context, Wolven describes allowing the user to
2 include medical characteristics about themselves in the database unit, including
3 donor status and emergency contacts. (*Office action*, Page 4, lines 37-53 and Page
4 5, lines 42-52).

5 Later, the individual can solicit goods and services from a provider and
6 grant the provider access to the database unit. (*Office action*, Page 6, lines 63-67).
7 The provider can then use the characteristic information in the database to
8 customize offerings to the individual based on the user's preferences. (*Office*
9 *action*, Page 7, lines 1-18).

10 This is not the same as "sorting the one or more contacts in an order of
11 urgency" and "contacting the one or more contacts in the order of urgency to
12 obtain the distribution instructions, such that contacts associated with more
13 exigent items are contacted before contacts associated with less exigent items" as
14 recited in claim 23.

15 Instead, under Wolven, no sorting of one or more contacts takes place.
16 Rather, only one user is involved, and the database unit is contacted by the
17 provider in direct response to the user's solicitation of goods and/or services from
18 the provider. Furthermore, no order of exigency is disclosed, taught or suggested
19 by Wolven. As noted above, only one user is described, and contact with the
20 database unit is prompted only by the user's solicitation of goods and/or services
21 from a provider.

22 Thus, Dickstein, Louie, and Wolven either alone or in combination, fail to
23 disclose show, teach or suggest "sorting the one or more contacts in an order of
24 urgency" and "contacting the one or more contacts in the order of urgency to
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1 obtain the distribution instructions, such that contacts associated with more
2 exigent items are contacted before contacts associated with less exigent items” as
3 recited in claim 23.

4 Accordingly, since Dickstein, Louie and Wolven fail to disclose, show,
5 teach or suggest all of the elements of claim 23, the §103(a) anticipation rejection
6 of claim 23 based on Dickstein, Louie and Wolven is not supported. Applicant
7 therefore respectfully requests that the §103(a) rejection of claim 23 be withdrawn.

8 **Dependent claims 24-33** are allowable at the least by virtue of their
9 dependency on base claim 23, as well as for the additional elements they include.
10 Applicant respectfully requests that the §103(a) rejection of claims 24-33 be
11 withdrawn.

12 13 **Independent Claim 34**

14 Amended independent claim 34 includes selected elements similar to
15 elements found in claim 23, which are discussed above. Claim 34 is therefore
16 allowable for at least the same reasons, which are incorporated herein by
17 reference.

18 19 **Dependent claims 35-43**

20 Claims 35-43 depend from claim 34 and are allowable due to their
21 dependence from an allowable base claim. These claims are also allowable for
22 their own recited features that, in combination with those recited in their
23 respective base claims, are not disclosed or suggested by references of record.
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25

1 Applicant therefore respectfully requests that the §103 rejection of claims
2 24-28, 31-38 and 41-43 be withdrawn.

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4 **Claims 29-30 and 39-40**

5 Claims 29-30 and 39-40 are rejected under 35 U.S.C. §103(a) as being
6 anticipated by Dickstein in view of Louie, in view of Wolven, and further in view
7 of Official Notice.

8
9 **Official Notice**

10 To provide missing features of claims 29-30 and 39-40 the Office
11 seemingly relies on personal knowledge without pointing to any specific teaching
12 or suggestion. Specifically, **in reference to claim 29**, the Office relies on Official
13 Notice to teach “wherein the contacting comprises directing a human operator to
14 manually contact the one or more contacts”. The rejection states that “it is old and
15 well known in the art to direct an individual to contact another individual via a
16 communication”. (*Office action*, page 14).

17 Similarly, **in rejecting claim 30**, the Office relies on Official Notice to
18 teach “wherein the storing comprises allowing a representative to manually enter
19 the distribution instruction into the database system”. The rejection states “it’s old
20 and well known in the art to allow an individual to manually enter information into
21 a database. (*Office action*, page 14).

22 **In rejecting claims 39 and 40** the Office relies on the same art and
23 rationale set forth in the rejections of claims 29 and 30 above. (*Office action*, page
24 15).

1 According to 37 CFR §1.104(d)(2), “[w]hen a rejection in an application is
2 based on facts within the personal knowledge of an employee of the Office, the
3 data shall be as specific as possible, and the reference must be supported, when
4 called for by the applicant, by the affidavit of such employee, and such affidavit
5 shall be subject to contradiction or explanation by the affidavits of the applicant
6 and other persons.” If the rejections noted above are maintained on similar bases
7 in a subsequent action, the Applicant respectfully requests the Examiner to supply
8 such an affidavit to support these modifications. Otherwise, and without
9 additional support, it is respectfully submitted the Office’s conclusions do not
10 represent the conclusions of a person of ordinary skill at the time of invention. In
11 accordance with MPEP § 2144.03, the Office must cite a reference in support of
12 its position.

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14 The arguments presented above are not exhaustive, and Applicant reserves
15 the right to present additional arguments in future communications with the Patent
16 Office. Moreover, Applicant reserves the right to challenge the alleged prior art
17 status of any document cited in the current Office action.

1 **CONCLUSION**

2 The Applicant submits that all of the remaining claims are in condition for
3 allowance and respectfully requests that a Notice of Allowability be issued. If the
4 Office's next anticipated action is not the issuance of a Notice of Allowability, the
5 Applicant respectfully requests that the undersigned attorney be contacted for the
6 purpose of scheduling an interview.

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9 Respectfully Submitted,

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By: /Jim Patterson/

Jim Patterson
Reg. No. 52,103
Attorney for Applicant
David Lee
Reg. No. 38,222

LEE & HAYES PLLC
Suite 500
421 W. Riverside Avenue
Spokane, Washington 99201
Telephone: 509-324-9256 x247
Facsimile: (509) 323-8979